

HONORABLE JAMES L. ROBERT

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SAM MALESKI of ABACUS
GUARDIANSHIP, INC., as Personal
Representative of the Estate of MELVIN F.
DANIEL, and on behalf of the beneficiaries
of the Estate,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

No. 2:21-cv-00921-JLR

STIPULATED MOTION AND ORDER
TO CONTINUE DEADLINES

NOTE ON MOTION CALENDAR: 3/7/2023

STIPULATION

For good cause shown and pursuant to Federal and Local Rule of Civil Procedure 16(b), Plaintiff Sam Maleski of Abacus Guardianship Service as Personal Representative of the Estate of Melvin F. Daniel and Defendant United States of America (“USA”), respectfully and jointly move the Court for entry of an order adjusting the pre-trial deadline for disclosing expert testimony by 45-days.

For good cause shown and with the Court’s consent, the Court may modify the deadlines in the scheduling order. Fed. R. Civ. P. 16(b)(4); *see also* LCR 16(b)(5). The “good cause”

1 standard primarily considers the diligence of the party seeking the amendment: the district court
 2 may modify the pretrial schedule if it cannot reasonably be met despite the diligence of the
 3 party seeking the extension. *See Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th
 4 Cir. 1992) (citing Fed. R. Civ. P. 16 advisory committee's notes (1983 amendment)). Although
 5 the existence or degree of prejudice to the opposing party might supply additional
 6 considerations for a motion to modify, the focus remains on the moving party's reasons for
 7 seeking modification. *See, e.g., Johnson*, 975 F.2d at 609 (internal citation omitted).

8 Counsel for the parties have been working cooperatively in discovery, have conferred,
 9 and agree that good cause exists to modify the case schedules, as set forth below:

- 10 1. On November 20, 2022, Melvin F. Daniel died.
- 11 2. On January 24, 2023, Sam Maleski was appointed as Personal Representative of the
 12 Estate of Melvin Daniel.
- 13 3. On February 10, 2023, the Plaintiffs filed a Second Amended Complaint substituting
 14 the Sam Maleski as Personal Representative of the Estate of Melvin Daniel. Dkt. 26.
- 15 4. The current deadline for disclosing expert testimony under FRCP 26(a)(2) is April 19,
 16 2023. Dkt. 10.
- 17 5. Depositions of representatives of the United States have been scheduled for April 7,
 18 2023.
- 19 6. The parties need time for experts to review these depositions in order to finalize their
 20 reports in this matter.
- 21 7. The parties have scheduled a mediation with WAMS Mediator Tom Merrick for April
 22 14, 2023.
- 23 8. The parties hereby agree to continue the expert disclosure deadline to June 5, 2023.

1 DATED this 7th day of March, 2023.

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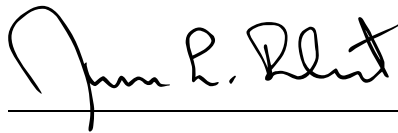
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II. ORDER

Based on the foregoing Stipulation of the parties the expert disclosure deadline is hereby continued to June 5, 2023.

IT IS SO ORDERED.

DATED this 7th day of March, 2023.



HONORABLE JAMES L. ROBART
United States District Judge

Presented by:

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